



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHASE WILLIAMS, individually and on behalf :
of all others similarly situated, :

Plaintiff, :

- against - :

KUCOIN, et al., :

Defendants. :
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20-CV-2806 (GBD) (RWL)

ORDER

ROBERT W. LEHRBURGER, United States Magistrate Judge.

On August 19, 2021, the Court held a conference to discuss Plaintiff's motion for class certification. The Court indicated that it likely would ask for additional information to support the motion. Accordingly, by September 30, 2021, Plaintiff shall file a supplemental submission in support of his motion for class certification and his appointment as class representative that includes the following:

1. An affidavit or declaration of an expert explaining in what respects the ten Tokens at issue are similar and in what respects they are different, particularly, but not exclusively, with regard to attributes that are relevant to determining whether the Tokens are securities under the applicable SEC legal framework.

2. An affidavit or declaration, which may, but need not, be submitted by the same expert, providing support for Plaintiff's contention that in the event discovery cannot be obtained from defendant KuCoin, the factual information necessary to identify class members can be obtained from publicly accessible blockchain ledger information or other public sources.

3. Briefing on how a class period that ends in “the present” satisfies the ascertainability requirement, and an explanation of what “the present” means and why (e.g., does “the present” mean as of filing of the complaint? As of certification of the class? Some other end date?).

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: August 20, 2021
New York, New York

Copies transmitted this date to all counsel of record.